

**REMARKS**

The present invention is a method of authenticating an action performed at a control point by a user involving a token which is issued to the user and which is involved with the user performing the actions; a method of authenticating a control point involving an action performed by the control point by a user involving a token which is issued to the user of the token and which is involved with the user performing the action; a method of authenticating an action performed by a control point by a user involving a token which is issued to the user and which is involved with the user performing the action; and a device for authenticating a control point involving an action performed by the control point by a user involving the device which is issued to the user of the device and which is involved with the user performing the action. A method of authenticating an action, such as a financial transaction or access control performed at a control point 40 by a user 20 involving a token 50 which is issued to the user and which is involved with the user performing the action includes using the token to authenticate the user to the control point to perform the action using the control point as described on page 5, lines 3-20, of the specification; and using the token to authenticate the control point to perform the action as described at page 7, lines 5-21, of the specification; and wherein the token is a mobile wireless communication device.

Claims 9 and 20 stand rejected under 35 U.S.C. §112 as failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Reconsideration of the rejection of claim 9 as failing to have antecedent basis for "said authenticating said control point" is requested in view of claim 1 including the step "using the token to authenticate said control point" which provides

literal antecedent basis. Claim 20 has been amended to more specifically recite the method of authenticating an action including the token collecting information from the control point with authentication of the control point being based on that information.

Claims 1-32 stand rejected under 35 U.S.C. §102 as being anticipated by United States Patent 5,036,461 (Elliott). These grounds of rejection are traversed for the following reasons.

Independent claims 1, 10, 20 and 23 have been amended respectively to recite a method of authenticating an action performed at a control point by the user involving a token which is issued to the user and which is involved with the user performing the action; a method of authenticating a control point involving an action performed by the control point by a user involving a token which is issued to the user of the token and which is involved with the user performing the action; a method of authenticating an action performed by a control point by a user involving a token which is issued to the user and which is involved with the user performing the action and a device for authenticating a control point involving an action performed by the control point by a user involving the device which is issued to the user of the device and which is involved with the user performing the action with the token being specified as a mobile communication device. Furthermore, each of the independent claims has been further amended to recite that the token is used to authenticate the user to the control point to perform the action using the control point in independent claims 1, 10 and 20 and further in claim 23, that the wireless communication portion that obtains information regarding said control point communicates with an external entity to authenticate said control point based on said information is further recited

"to authenticate the user to the control point to perform the action using the control point." This subject matter has no counterpart in Elliott et al.

While Elliott et al do disclose in column 8, lines 24-67, through column 10, lines 1-57, a two-way communication system which involves authentication of the terminal as described in column 9, lines 23-31, including authentication of the IC card 12 as described in column 9, lines 32-35, and authentication of the identity of the person presenting the card after authenticating the card as described in column 9, lines 56 et seq., these authentication steps do not meet the subject matter of the independent claims as amended including the recitation of the mobile wireless communication device being the token. In fact, the Examiner has construed the IC card as being the token which is apparent from the Examiner's statement in Section 8 of the Office Action that "[b]efore the transaction occurs, the IC card, presented at the terminal, receives information from the terminal and authenticates the terminal using the received terminal information (Fig. 5 & Col. 8, line 14 - Col. 9, line 55), which meets the limitation of presenting a token which performs authentication to said control point." The claims as amended now exclude the reading which the Examiner is utilizing in that the IC card does not meet the claimed mobile wireless communication device. Furthermore, a person of ordinary skill in the art would not be led to modify the teachings of Elliott et al to arrive at the subject matter of the independent claims including the utilization of a mobile wireless communication device as the token as recited in the independent claims 1, 10 and 20 or as the device of claims 23 except by impermissible hindsight.

The dependent claims define further aspects of the present invention which are neither anticipated nor rendered obvious. For example, claims 2 and 12 recite "a

token issuer issuing said token to said user, and wherein said authenticating the control point occurs, on-line between said token and said token issuer. There is no disclosure of a token issuer with the token being limited to a mobile wireless communication device which meets the limitations of claims 1 and 12 including the authenticating the control point occurring on-line between the token and the user.

Claims 4 and 14 respectively limit claims 2 and 12 in reciting that the mobile communication device communicates with the token issuer using a wireless communication device which has no counterpart in Elliott et al in view of the absence of a wireless mobile communication device functioning as a token and further, the further limitation of the communication between the token issuer and the mobile communication device involving a wireless communication path having no counterpart.

Claims 5 and 15 respectively limit claims 2 and 12 in reciting that the token communicates with the token issuer using a wireless communication network of the control point which has no counterpart in Elliott et al for the reasons set forth above with respect to claims 4 and 14.

Claims 6 and 16 respectively limit claims 1 and 10 in reciting that the control point authorizes an action based on information provided by said token which has no counterpart in view of the recitation of the token being a wireless communication device which excludes the IC card 12 of Elliott et al.

Claims 7 and 8 and 17 and 18 respectively limit claims 1 and 16 in reciting that the action comprises a financial transaction or comprises access control which has no counterpart for the reasons set forth above with respect to the patentability of claims 1 and 16.

Claims 9 and 19 respectively limit claims 1 and 10 in reciting that the authenticating said control point comprises notifying a user whether the control point has authorization for said action. It is submitted that there is no disclosure of the claimed authorization in Elliott et al.

Claim 21 limits claim 20 in reciting a control point operator approving the control point and the method further comprising storing data about the control point in the database and the authenticating of the control point comprises comparing the data with information from the token which has no counterpart in Elliott et al. There is no control point operator disclosed in Elliott which approves the control point and further, there is no disclosure of the authenticating of the control point comprising comparing the data with information from the token.

Claim 22 limits claim 20 in reciting storing data about the token in a database and the authenticating comprises comparing the data and the information from the token. It is submitted that this subject matter has no counterpart in Elliott et al.

Claim 24 is patentable for the same reasons set forth above with respect to claim 2.

Claim 26 limits claim 23 in reciting that the communication portion authenticates the control point using a wireless communication network of the control point. This has no counterpart in Elliott et al for the reasons set forth above including that Elliott et al do not disclose authenticating a control point using a wireless communication network of the control point.

Claims 27 and 28 are patentable for the same reasons set forth above with respect to claims 7, 8, 17 and 18.

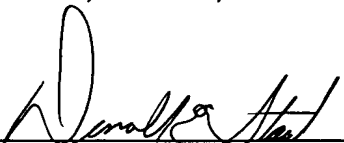
Claim 29 limits claim 23 in reciting that the user interface portion notifies the user whether the control point has authorization for said action. There is no counterpart of this subject matter in Elliott et al in view of the Examiner's construction of the token being the IC card 12.

Claims 30-32 limit claim 23 in reciting that the user interface portion comprises a display device, further comprises a card that connects with said communication portion, said card containing information regarding one of said device and said user and wherein said communication portion temporarily coupled to said device which has no counterpart in Elliott et al.

In view of the foregoing amendments and remarks, it is submitted that each of the claims in the application is in condition for allowance. Accordingly, early allowance thereof is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR §1.136. Please charge any shortage of fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account of Antonelli, Terry, Stout & Kraus, No. 01-2135 (Application No. 0171.38726X00), and please credit any excess fees to said deposit account.

Respectfully submitted,  
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